HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO:18804 OF 2006

Dated:15TH SEPTEMBER, 2006.

BETWEEN

M/s Ashwini Travels rep., by its Manager, Fasuddin, s/o Mohd. Osman, aged 48 years, r/o Mankam Thota, Karimnagar & another.

….Petitioners.

And

1.Station House Officer, Karimnagar I Town P.S., Karimnagar & another.

…Respondents.

ORDER:

The petitioners' vehicles both bearing registration No:ATS 7777 and A.P. 15 T 6666 were intercepted on 11.8.2006 at Karimnagar Bi-pass road, Karimnagar by the 2nd respondent and were seized.

These buses are claimed to belong to the petitioners.

The petitioners state that they applied to respondents-1 and 2 and the 3rd respondent separately for release of the vehicles and while respondents-1 and 2 claim that they have no jurisdiction and the application for release of the vehicles has to be considered by the 3rd respondent, the 3rd respondent is also declining to entertain the application of the petitioners to release the vehicles and calling upon them to approach respondents-1 and 2.

Under section 207 of the Motor Vehicles Act, 1988, (hereinafter referred to as the Act) the extent of relevant material reads as under:

> *"(1)Any police officer or other person authorized in this behalf by the State Government may, if he has reason to believe that a motor vehicle has been or is being used in contravention of the provisions of section 3 or section 4 or section 39 or without the permit required by sub section (1) section 66 or in contravention of any condition of such permit relating to the route on which or the area in which or the purpose for which the vehicle may be used, seize and detain the vehicle, in the prescribed manner and for this purpose take or cause to be taken any steps he may consider proper for the temporary safe custody of the vehicle:*
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> *Provided that where any such officer or person has reason to believe that a motor vehicle has been or is being used in contravention of section 3 or section 4 or without the permit required by sub section (1) of section 66 he may, instead of seizing the vehicle, seize the certificate of registration of the vehicle and shall issue an acknowledgement in respect thereof.*
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> *(2)Where a motor vehicle has been seized and detained under sub section (1), the owner or person in charge of the motor*

vehicle may apply to the transport authority or any officer authorized in this behalf by the State Government together with the relevant documents for the release of the vehicle and such authority or officer, after verification of such documents, by order release the vehicle subject to such conditions as the authority or officer may deem fit to impose."

The 3rd respondent is an officer authorized in this behalf by the State Government to exercise powers under section 207 of the Act and having the power, authority and jurisdiction under section 207 (2) of the Act. In fact, it is the conceded position on behalf of the 3rd respondent.

In the afore stated circumstances, the petitioners shall make a fresh application to the 3rd respondent within 1 (one) Week from today. On such application being made, the 3rd respondent shall dispose of the said application in accordance with the discretion available under section 207 (2) of the Act within 1 (one) Week from the date of receipt of such application. The order of the 3rd respondent on the application of the petitioners for the release of the vehicles, shall be communicated to them within the afore stated period of 1 (one) Week.

The writ petition is, accordingly, disposed of at the admission stage. No costs.

(GODA RAGHURAM, J)

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